

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                               |   |                   |
|-------------------------------|---|-------------------|
| RHONDA HALL,                  | ) |                   |
| Plaintiff                     | ) |                   |
|                               | ) |                   |
| v.                            | ) | C.A. 05-30002-MAP |
|                               | ) |                   |
| VERIZON COMMUNICATIONS, INC., | ) |                   |
| Defendants                    | ) |                   |

MEMORANDUM AND ORDER RE:  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT  
AND  
SCHEDULING ORDER

January 26, 2007

PONSOR, D.J.

Counsel appeared for argument on Defendants' Motion for Summary Judgment on January 25, 2007. At the conclusion of the argument, the court indicated it would be allowing the motion as to Counts II and IV, and otherwise denying the motion.

For the reasons indicated in more detail during oral argument, Defendants' Motion for Summary Judgment (Dkt. No. 20) is hereby ALLOWED as to Count II and IV, and DENIED as to the remaining counts in the complaint, based upon the existence of disputed issues of fact rendering judgment inappropriate pursuant to Fed. R. Civ. P. 56. In addition, the court notes that Plaintiff's attorney indicated that at the trial of this matter he would not be pursuing any claim based upon a theory strict liability.

At the conclusion of the hearing, the court took up the

issue of further proceedings. Based on these discussions, the court orders as follows:

1. Plaintiff will convey a written demand to Defendants no later than February 23, 2007.
2. Defendants will convey their offer to Plaintiff no later than March 16, 2007.
3. Counsel will appear again for a final pretrial conference on April 5, 2007 at 3:00 p.m. At least five (5) days prior to the conference, counsel will file final pretrial memoranda in accordance with the attached order. Please note: failure to file a final pretrial memorandum as ordered may result in default or dismissal.

It is So Ordered.

/s/ Michael A. Ponsor

MICHAEL A. PONSOR

United States District Judge